

AMENDMENTS TO THE CLAIMS:

1.-15. (Cancelled)

16. (Currently Amended) A surgical kit for performing percutaneous interbody fusion surgical procedures, comprising:

at least one ~~expandible~~ intervertebral disc spacer configured for insertion into an intervertebral disc space to maintain the intervertebral disc space at a desired height;

at least one guide needle;

a plurality of dilators sized and configured to incrementally increase a height of the intervertebral disc space, a first dilator having an inner diameter that is slightly larger than an outer diameter of the guide needle, and each dilator having an inner diameter successively larger than an outer diameter of a previous dilator such that a distal end portion is positionable within the intervertebral disc space to incrementally increase a height of the intervertebral disc space;
and

a package including a top cover and a bottom cover, ~~the top cover and the bottom cover forming a package~~ packaging for containing the at least one disc spacer, the at least one guide needle, and the plurality of dilators in a sterilized condition.

17. (Original) The kit of claim 16, further comprising a tool for delivering the at least one disc spacer through one of the dilators to an intervertebral disc space.

18. (Currently Amended) The kit of claim ~~17~~ 16, further comprising a bone matrix material.

19. (Currently Amended) The kit of claim 16, wherein the package is sterilized ~~after assembly~~ subsequent to insertion of the at least one disc spacer, the at least one guide needle, and the plurality of dilators into the packaging.

20. (Cancelled)

21. (New) A surgical kit for implantation of a spinal implant into an intervertebral disc space between adjacent vertebrae, comprising:

at least one spinal implant configured for insertion into the intervertebral disc space to maintain the intervertebral disc space at a desired height; and

a plurality of dilators sized and configured to incrementally increase a height of the intervertebral disc space, including:

a first dilator having an outer diameter and a distal end portion sized for insertion into the intervertebral disc space; and

a second dilator having an inner diameter sized larger than an outer diameter of the first dilator to allow passage of the second dilator over the first dilator until a distal end portion of the second dilator is positioned within the intervertebral disc space to incrementally increase a height of the intervertebral disc space.

22. (New) The kit of claim 21, further comprising packaging, the at least one spinal implant and the plurality of dilators contained and maintained within the packaging in a sterilized condition.

23. (New) The kit of claim 22, wherein the packaging includes a plurality of depressions for holding the at least one spinal implant and the plurality of dilators.

24. (New) The kit of claim 22, wherein the packaging includes a top cover and a bottom cover engaged with one another to maintain the sterilized condition of the at least one spinal implant and the plurality of dilators.

25. (New) The kit of claim 22, further comprising at least two of the spinal implants contained within the packaging in a sterilized condition.

26. (New) The kit of claim 22, further comprising at least one guide needle configured to guide the distal end portion of the first dilator into the intervertebral disc space, the at least one guide needle contained within the packaging in a sterilized condition.

27. (New) The kit of claim 22, further comprising a bone matrix material for passage through one of the dilators and into the intervertebral space to facilitate fusion of the at least one spinal implant with the adjacent vertebrae, the bone matrix material contained within the packaging in a sterilized condition.

28. (New) The kit of claim 21, further comprising at least one guide needle configured to guide the distal end portion of the first dilator into the intervertebral disc space.

29. (New) The kit of claim 28, wherein the at least one guide needle has an outer diameter sized slightly smaller than an inner diameter of the first dilator to allow passage of the first dilator over the at least one guide needle until the distal end portion of the first dilator is inserted into the intervertebral disc space.

30. (New) The kit of claim 21, further comprising a tool for delivering the at least one spinal implant through one of the plurality of dilators and into the intervertebral disc space.

31. (New) The kit of claim 21, further comprising a third dilator having an inner diameter sized larger than an outer diameter of the second dilator to allow passage of the third dilator over the second dilator until a distal end portion of the third dilator is positioned within the intervertebral disc space to incrementally increase the height of the intervertebral disc space.

32. (New) The kit of claim 31, further comprising a fourth dilator having an inner diameter sized larger than an outer diameter of the third dilator to allow passage of the fourth dilator over the third dilator until a distal end portion of the fourth dilator is positioned within the intervertebral disc space to incrementally increase the height of the intervertebral disc space.

33. (New) The kit of claim 32, further comprising a fifth dilator having an inner diameter sized larger than an outer diameter of the fourth dilator to allow passage of the fifth dilator over the fourth dilator until a distal end portion of the fifth dilator is positioned within the intervertebral disc space to incrementally increase the height of the intervertebral disc space.

34. (New) A surgical kit for implantation of a spinal implant into an intervertebral disc space between adjacent vertebrae, comprising:

at least one spinal implant configured for insertion into the intervertebral disc space to maintain the intervertebral disc space at a desired height; and

a plurality of dilators sized and configured to incrementally increase a height of the intervertebral disc space, including:

a first dilator having an outer diameter and a distal end portion sized for insertion into the intervertebral disc space;

a second dilator having an inner diameter sized larger than an outer diameter of the first dilator to allow passage of the second dilator over the first dilator until a distal end portion of the second dilator is positioned within the intervertebral disc space to incrementally increase a height of the intervertebral disc space; and

a third dilator having an inner diameter sized larger than an outer diameter of the second dilator to allow passage of the third dilator over the second dilator until a distal end portion of the third dilator is positioned within the intervertebral disc space to incrementally increase the height of the intervertebral disc space; and

packaging which contains and maintains the at least one spinal implant and the plurality of dilators in a sterilized condition.

35. (New) The kit of claim 34, further comprising at least one guide needle configured to guide the distal end portion of the first dilator into the intervertebral disc space, the at least one guide needle contained within the packaging in a sterilized condition.

36. (New) The kit of claim 35, wherein the at least one guide needle has an outer diameter sized slightly smaller than an inner diameter of the first dilator to allow passage of the first dilator over the at least one guide needle until the distal end portion of the first dilator is inserted into the intervertebral disc space.